

MINUTES OF THE MEETING OF THE JERSEY VILLAGE PLANNING AND ZONING COMMISSION HELD ON NOVEMBER 9, 2020 AT 6:00 P.M. PURSUANT TO SECTION 418.016 OF THE TEXAS GOVERNMENT CODE

Pursuant to Section 418.016 of the Texas Government Code, on March 16, 2020, the Governor of the State of Texas granted the Office of the Attorney General's request for the temporary suspension of certain provisions of the Texas Open Meetings Act to allow for telephonic or videoconference meetings of governmental bodies that are accessible to the public in an effort to reduce in-person meetings that assemble large groups of people, as a precautionary measure to contain the spread of novel coronavirus COVID-19.

Accordingly, the public was not allowed to be physically present at this meeting of the City of Jersey Village, Texas, Planning and Zoning Commission but the meeting was available to members of the public and allowed for two-way communications for those desiring to participate via telephone with the following toll-free number: **346-248-7799 along with Webinar ID: 824 2420 7579.**

A. The meeting was called to order in at 6:04 p.m. and the roll of appointed officers was taken. Commissioners present were:

Rick Faircloth, Chairman	Courtney Standlee, Commissioner
Debra Mergel, Vice Chairman	Ty Camp, Commissioner
Joseph Paul, Commissioner	Jennifer McCrea, Commissioner
Barbara Freeman, Commissioner	

Commissioner Freeman was not present when the meeting was called to order but joined the meeting in progress at 6:11 p.m.

Drew Wasson, Council Liaison, was present at this meeting.

Staff in attendance: Austin Bleess, City Manager; Lorri Coody, City Secretary; Christian Somers, Building Official, and Harry Ward, Director of Public Works.

B. CITIZENS' COMMENTS - Any person who desires to address the Planning and Zoning Commission regarding an item on the agenda will be heard at this time. In compliance with the Texas Open Meetings Act, unless the subject matter of the comment is on the agenda, the City staff and Commissioners are not allowed to discuss the subject. Each person is limited to five (5) minutes for comments to the Planning and Zoning Commission.

There were no citizens' comments.

C. Election of chairperson and vice-chairperson for one-year term.

Chairman Faircloth opened nominations for the office of Chair for a one-year term beginning October 1, 2020 and ending September 30, 2021. Commissioner Camp moved to nominate Commissioner Rick Faircloth to serve in this capacity. The motion was seconded by Commissioner McCrea. With no other nominations being made, the vote follows:

Ayes: Commissioners Mergel, Paul, Standlee, Camp, and McCrea
Chairman Faircloth

Nays: None

The motion carried.

Chairman Faircloth opened nominations for the office of Vice Chair for a one-year term beginning October 1, 2020 and ending September 30, 2021. Commissioner McCrea moved to nominate Commissioner Paul. The motion was seconded by Commissioner Camp. With no other nominations being made, the vote follows:

Ayes: Commissioners Paul, Mergel, Standlee, Camp, and McCrea
Chairman Faircloth

Nays: None

The motion carried.

D. Consider approval of the minutes for the meeting held on November 4, 2019.

Commissioner Paul moved to approve the minutes for the meeting held on November 4, 2019. Commissioner McCrea seconded the motion. The vote follows:

Ayes: Commissioners Mergel, Paul, Standlee, Camp, and McCrea
Chairman Faircloth

Nays: None

The motion carried.

Barbara Freeman joined the meeting in progress at 6:11 p.m.

E. Discuss and take appropriate action regarding the creation of a more stringent tree preservation ordinance to protect existing tree resources.

City Manager, Austin Bless, introduced the item. Background information is as follows:

As part of the 2016 Comprehensive Plan one of the recommendations in the Community Character Chapter was to consider a more stringent tree preservation ordinance to protect existing tree resources.

Our current ordinance has little in it to protect trees. The ordinance that most closely touches on this is Section 14-316:

Sec. 14-316. - Permit required.

(a) No person shall remove a healthy protected tree in the front yard of a residential property without first obtaining a permit from the director of public works.

(b) The fee for a permit to remove a protected tree shall be \$50.00. The tree shall be replaced with a tree or trees with a combined diameter of one inch for each six inches and fraction thereof of replaced tree diameter (measured at four feet off the ground). Replacement trees must be at least one inch in diameter measured at four feet off the ground. The director of public works may authorize that one or more of the replacement trees be planted in designated locations on public property. No replacement tree shall be required if the property has at least two other large protected trees in the front yard.

Tree preservation ordinances can cover a wide gambit of things. They can require pruning and how pruning is done, designation of tree types and tree sizes that must be preserved, and how many trees need to be planted to replace any tree that is taken down.

There is no formal action required tonight. This item is to obtain direction from the Commission as to what course to take in order to draft a model ordinance for further consideration by the Commission.

The Commission engaged in discussion about the City's current tree ordinance and the requirement to get a permit to remove a healthy protected tree in the front yard of residential property. City Manager Bless explained the permit, which is to remove a protected tree. He gave the definition of a protected tree, but basically it must be larger than six inches in diameter. The Commission discussed protected trees and the location of these trees.

Some wondered why the Commission is called to review this issue. City Manager Bless explained that the review of the tree ordinance is on the list of projects from the 2016 Comprehensive Plan. There was discussion about the ordinances from other Cities that were included in the packet. It was pointed out that they appear to be more restrictive than Jersey Village's ordinance. The Commission discussed restrictions to include cutting down large trees and what should replace them if they are cut down. Some members liked the idea of requiring replacement if large trees are cut down.

Some members would caution about over reaching pruning restrictions; however, if the trees are causing danger to pedestrians and motorists, there should be regulations to provide protection. Most members felt that there is a need for some pruning requirements.

The Commission discussed the need for a flexible plan that outlines the pathway for replacement and removal, keeping in mind that an oak tree could be replaced with a pine tree. There should also be a way to mark large trees to know when trees are going to be removed so the requirements can be monitored and enforced.

The Commission felt that lot size requirements need to be better defined.

There was also discussion about who is responsible when trees are downed on City property/ public spaces. City Manager Bless said he needs to review this to provide the Commission better information as it pertains to trees on public property. Some members felt that the requirements need to apply to the City as well as the homeowner.

The Commission discussed enforcement issues. Building Official Somers stated that the enforcement issue is with trees encroaching the sidewalk and the street. He suggested that the current ordinance should be changed to 15 feet as opposed to 13 and 10 as opposed to 8. These restrictions were discussed. It was mentioned that the canopy of a tree will follow the roots of the tree.

Some wondered if there is some sort of approved tree pruners and if they need to be permitted in some way. City Manager Bless stated that some Cities do require that tree pruners be permitted, but it may not be something Jersey Village wants to include considering administrative staffing needs for these type permits. Some members felt that we might need to have permitting for pruners, requiring them to be insured and possess certifications as being an arborist or other tree professional. It was noted that having someone that knows what they are doing is a good thing instead of having someone just cut trees down without experience and knowledge.

There was also discussion about restrictions on planting invasive trees, like the Chinese tallow and the ligustrum or the common hedge that is used in landscaping and trimmed to look like a tree.

Some wondered if we have any height restrictions in our current ordinances. City Manager Bless stated that the only restrictions in the current ordinance are for over sidewalks and streets.

Chairperson Faircloth wanted discussion on how to proceed. Some members wanted to expand on what we already have in our ordinance.

The maximum number of trees was discussed in connection with page 49 in the packet from Hillshire Village.

Table 1—Number of Trees for Representative Lot Sizes

Lot Size (sq ft)	# of Trees
24,000	12
22,000	11
20,000	10
18,000	9
16,000	8
14,000	7
12,000	6
10,000	5
8,000	4

Some wondered if there is an 8,000 square foot lot in Jersey Village. A grandfather clause was also discussed in terms of the number of trees on each lot. The minimum requirement was discussed. It was pointed out that the above table speaks to the minimum number of trees not the maximum. Most members only wanted a minimum for the front yard.

In moving forward, the Commission needs to review the ordinances provided in the meeting packet from other Cities and then come back for further discussion.

Harry Ward called attention to Section 14-316 requiring a permit. He wondered about the purpose of part (a). He feels the wording is off and suggested that it be removed. He also pointed out the provisions for tree loss. It states that if you take one out you must replace it. However, if there are more than two in the front yard, replacement is not required. Therefore, this should be looked at as well.

City Manager Bless stated that from tonight's discussion, he understands where the Commission wants to go with revising this Ordinance. He will prepare a draft for presentation at the next meeting.

F. Adjourn

There being no further business on the Agenda the meeting was adjourned at 6:48 p.m.



Lorri Coody, City Secretary